1:Vaillant A-5 (1928-1936)1941 NU7 Aztec NU7

affairs. Men of proven wisdom and experience taught the young in the *telpuchcalli*, or houses of youth. Others kept the records of tribute and wealth in the clan storehouses, superintended the distribution of this communal property and even went abroad to supervise its collection.

Each clan had its elected officers whose positions dominated the administration of the tribe. One official, the *calpullec*, performed the duties of secretary-treasurer and kept economic order within the kinship, drawing upon the members of the body for as much administrative assistance as his task required. Ranking with him, the *teochcautin* acted as sheriff, preserving social order and enforcing it. In wartime he commanded the military forces of the clan. Linking the clans to the tribe were the *tlatoani*, or "speakers," the supreme council, composed of a member from each clan and exercising judicial and directive functions. The wisest men and the most distinguished attained this post, for on them depended the well-being of the whole tribe. (See Plate 39, top right.)

Just as the clan had its executive officers, so this tribal body elected four officials who controlled the military forces of the four quarters, or phratries, into which the twenty clans were evenly divided. They maintained order among the clans and exercised tribal authority in disputes and crimes that could not be settled by the clan itself. Two were especially concerned with judicial matters; the third was an executioner, and the fourth acted as an intermediary between civil and military affairs.*

These four offices were the proving ground to test the abilities of the supreme chief and the religious leader. In Tlaxcala* it appears that they jointly exercised the executive

*Tlash-ca'-la.

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701 leadership. In Tenochtitlan the supreme chief, *tlacatecuhtli*,
643 "chief of men," was always chosen from the four and often
[776] occupied first the position of "Snake Woman," a name also given to an important fertility goddess, Cihuacoatl.* The functions of these high chiefs are difficult to interpret in terms of Western civilization. Roughly the "chief of men" may be said to have represented the tribe in its external affairs, like war and alliances. As such the office had a greater significance to the Spanish observers who saw its holder as the leader of the tribe. The "Snake Woman" was the executive peak of the internal affairs of the tribe, where civil custom and religious demand governed almost every act. It is important to realize, however, that these chiefs could be deposed by the council at any time, if their services were unsatisfactory.

643 The continual election of such high officers from the same
● 646 family or lineage, when democratic procedure obtained elsewhere, is harder to explain. Tradition is strong in primitive communities, and a family that produced one effective man might in the next generation produce another. The council in Tenochtitlan chose successive chiefs from a fairly wide range—brothers, sons, nephews and half brothers were scrutinized in the rigid proving ground of public service. Furthermore, a wise council, exercising its tremendous powers, could make a puppet "chief of men" seem effective as its representative in extratribal affairs. Even then, to be considered for election a person of privileged birth had to meet the long series of tests on which eminence was based.

441 Two other specialized fields were open to Aztec youth:
463 trade and craftsmanship. Trade was a new development in

*Se'e-wah-co-atl.

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Both the "chief of men," and his "*coadjutor*," the "Cihuacohuatl," while exercising, under certain extraordinary circumstances, discretionary powers in military matters, were still subject to a *higher* authority. This was the *council of chiefs*[125] ("tlatocan"), of which they were, ex-officio, members, with the additional title of "speakers" ("tlatoani"), and occupying, therefore, the "speaker's-seat" ("tlatoca-ycpalli").[126] In this council the *ultimate power of government* was vested, its functions were equally *legislative* and *judiciary;* the execution of its decrees belonged to the war-chiefs. *Peace and war* lay in its hands, the war-chiefs alone could not decide upon either.[127] The existence of this council as

is plainly recognizable. In all those figures of Central American reliefs we discern the characteristic parts of the Mexican costume: the breech-cloth ("maxtlatl") and the head-dress. Several of them have the jacket. "huepil," and the chiefs have, as ornaments, the "coxcatl," the "matzopetztli," and especially, the ear-rings and the towering plumage. Lip-pendants and nose-rings are very prominent on the statues of Copan. An illustration of the costume of the two chiefs, both being dressed exactly alike, is given by Durán on plate 8 (to chapter 23 of the first part of his work). Axayaca is also represented in full armour on plates 10 and 11.

[125] The word is from Molina (Vocab. II, p. 141,—"tlatocan,"—"corte ò palacio de "grandes señores." Id. I, p. 30, "consejo real." "tlatocanecentlalilizti"). It derives from "ni-tlatoa," to speak. A very good illustration of this council is found in the "Popol-Vuh" (Part II, cap. VIII), notwithstanding the diffuse language, we can easily discern how the council of chiefs was constituted at "Xibalba," "Hunahpu," and "Xbalanqué," upon their arrival at the council-hall, found there twelve chiefs, the names of which are all given (p. 147). After Montezuma was captured and brought to Spanish quarters "there were always in his company twenty great lords and compan-"ions and councillors" (Bernal-Diez, Cap. XCV, p. 93, vol. II, Vedia). These were probably the members of the supreme council.

[126] "Tlatoani,"—"hablador, ò gran señor" (Molina, II, p. 141). Bernal-Diez says (Cap. XXXVIII, p. 32, Vedia. II) that when they arrived at San Juan de Ulloa: "vini-"eron dos canoas muy grandes, ... y en ellas vinièren muchos Indios Mejica-"nos, y como vieron los estandartes y navio grande, conociéron que alli habian de ir á "hablar al capitan, y fuéronse derechos al navio, y entran dentro y preguntan quien era "el Tlatoan, que en su lengua dicen el señor." Señor Icazbalceta, in his note No. 36 (p. 12 of Vol. II of "Coleccion de Documentos") defines "Tlatoani" as follows: ". . . . " . era la denominacion que se daba á los superiores y gobernantes, equivalente á "la antigua nuestra señor, y con la cual llamaban á los españoles." ("Real Ejécutoria "de S. M. sobre Tierras y Reservas de Pechos y Paga, perteneciente à los caciques de "Axapusco, de la Jurisdiccion de Otumba.") "Tlatoca-ycpalli," from "tlatoca," and "icpalli," stool.

[127] The fact of the supremacy of the council in all matters is amply proven (Durán, Cap. XIV, p. 117; cap. XVI, p. 133). Acosta (Lib. VI, cap. XXV, p. 441): "All these "four titularies were of the supreme council, without whose advice the king neither "made, nor could make, anything of importance." But especially the remarkable paragraph from Torquemada (Lib. XI, cap. XXV, p. 352), speaking of the "Cihuacohuatl:" "Este Juez parece tener veces, y autoridad de Virrei, á los quales comunica el Rei au-"toridad absoluta, para governar, y despachar negocios, cometidos a su sola, y abso-"luta determinacion, ... pues en cosas de su Govierno, *conoce la audiencia, que "toda junta se hace persona de Rei, y con su autoridad le pueden reprimir, y reprimen.*" It is unfortunate that we have not any definite and detailed knowledge of the composition of this council. All we can say positively is, that it existed, and was supreme.

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646 The existence of this council as
642 a *supreme* authority, proves the Mexicans to have been, not *subject* to the despotic rule of a monarch, but *organized* after the principles of a *military democracy*. They were a barbarous but *free* and *warlike* community.

721 *Legitimate* causes for war were frequently furnished to the Mexicans. Their traders, or those of allied or subjected tribes, were often exposed to outrage and ill-treatment on the part of and among foreign "pueblos." Such acts were always regarded as justifying open warfare, and the opportunity was speedily improved. But *pretexts*[128] were eagerly sought for also, and the Mexicans therefore never at a loss to find *some* ground for pouncing upon any tribe which excited their cupidity. We have already stated that war was carried on by them for subsistence. It
[782] was further required for the purpose of obtaining human victims, their religion demanding human sacrifices at least eighteen times every year.[129] Every important event, like an improvement of the "teo-calli,"[130] and especially the installation of a new war-chief of the highest degree ("Tlaca-tecuhtli"), had to be celebrated by a special butchery of men,—and these victims had to be obtained through *war*.[131] Therefore the well-known custom of the Mexi-
[724] cans, on the battlefield, to look more to the *capture* than to the slaying of their foes.[132]

[128] The war which resulted in the conquest of Chalco, the foray against Ahuilizapan (Orizava) and Cempoal, were all brought about by the most wanton provocations on the part of the Mexicans (Tezozomoc, Cap. XIX, p. 30; cap. XXI. p. 33; cap. XXXI. p. 48). (Torquemada, Lib. II, cap. XL. p. 159.) (Clavigero, Lib. IV, cap. XIII.) Durán positively denies it, saying that the Mexicans never made war unless provoked, but this is too manifestly untrue (Gomara, p. 442).

[129] These were the regular monthly festivals only.

[130] Durán (Cap. XXXVII, p. 287), when the war against Mechoacan was determined upon: "and that the main reason why he wished to measure himself with their strength "was to try to celebrate with them (by the means of prisoners taken from them) the in- "auguration of the stone, that was similar to the sun, and to tinge his temple with the "blood of these nations." Gomara ("De las guerras," p. 442, Vedia, I, "y para, como "ellos dicen, haber esclavos que sacrificar à los dioses y cebar à los soldados").

[131] It was obligatory upon the chieftain to inaugurate his administration with a military exploit, and great importance was placed upon that the head-chief should make prisoners on that occasion with his own hands. Acosta (Lib. VI, cap. XXIV, p. 431). Tezozomoc (Cap. LVII, p. 93; cap. LXI, p. 101; cap. LXXXIV, p. 147). These three passages relate to Tizoczic, to Ahuitzotl, and to the last Montezuma, respectively.) Mendieta (Lib. II, cap. XXVII, pp. 131, 132, and 133). Torquemada (Lib. II, cap. LV, p. 172, and cap. LXIX, p. 195).

[132] This was a very fatal custom, as against the Spaniards. Had the Mexicans been intent upon *killing* instead of overpowering their white enemies alive, their resistance would have been more formidable. Thus, for the sake of capturing a single horseman, they recklessly sacrificed numbers of their own, when they thought to be able to surround him, and cut him off from his corps or detachment. The custom was, however, general among the Nahuatlac tribes.

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642 All three we find very plainly among the ancient Mexicans.[176]
646 Since the tribe was formed of kins associating together voluntarily, it must be admitted that they stood on an equal footing, and had, all, an equal share in the tribal government. It was scarcely possible, however, from what we know of the population of aboriginal Mexico, that all the male members of the kins, at a general gathering, could form its directive power.[177] The latter consisted of delegates, elected by the kins to represent them; which body of delegates was the supreme authority, from whose decisions there should be no appeal.[178]

[176] "*Ancient Society*," (Part II, cap. VII).

[177] There is no evidence of a general gathering of the tribe of Mexico, subsequent to the election of "Humming-Bird" (Huitzilihuitl) to the office of "chief of men." This occurrence which, according to the *Codex Mendoza* (Plate III), took place in 1356, is mentioned by *Durán* (Cap. VII, p. 53): "Y asi haciendo su consulta y cautido entre los grandes y mucha de la gente comun." *Tezozomoc* ("*Crónica Mexicana*" edited by *Sr. Jose M. Vigil* and annotated by *Sr. Orozco y Berra*, Mexico, 1878, cap. IV, p. 233), distinctly mentions delegates: "Casi con esto los mas principales, viejos, y sacerdotes de los Mexicanos, de los cuatro barrios." The "*Codice Ramirez*" ("*Relacion del Origen de los Indios que Habitan esta Nueva-España segun sus Historias.*" "*Biblioteca Mexicana*," p. 39), uses the same words as Durán. *Sahagun* (Lib. VIII, cap. XXX, p. 316), gives probably the best and clearest picture of the most important meetings of the tribe,—those for election of the chiefs, and distinctly mentions only old men, officers and medicine-men.

[178] Evidence in regard to the existence and to the supreme authority of this body is found in many authors. In the first place we have the direct admission, that they elected the "chief of men" or so-called "King," and that the "matters of government" lay in their hands, in that (yet) anonymous Relation taken from the Archives of Simancas, translated and printed by Mr. H. Ternaux-Compans under the title: "*De l'ordre de Succession observé par les Indiens*" (*1er Recueil*, p. 228): "Des conseilleurs étaient chargés des affaires d'état; c'étaient pour la plupart des gens de distinction et des seculls ou chevaliers comme nous les appelons. On choisissait toujours des personnes âgées, pour lesquelles le souverain avait beaucoup de vénération et de respect, et qu'il honorait comme ses pères." The supremacy of the council is positively affirmed, besides, in the following authorities:—

(1). In a fragmentary MSS. of the sixteenth century, found along with the "*Codice Ramirez*," and incorporated with the latter in the "*Biblioteca Mexicana*" ("*Crónica*," *Fragmento* 2, Cap. . . p. 147): "Considerando el nuevo Rey de México la fuerza que el español traia, juntó á consejo y hizóles representacion de aquesto, y lo que estaba prometido que de Ixtlilxuchitl habia de salir la ruina de los Mexicanos, que se diesen con buenas condiciones, pues era menos mal que no morir á sus manos y á las de los españoles. No quisieron por tener concepto destos que eran insufribles y cudiciosos. Tornóles otra vez á tratar aquesto, y sún otras dos, diciéndoles ser entónces tiempo cómodo: dijéron que querian mas morir, que hazerse esclavos de gente tan mala como los españoles; y asi quedó combenido que era mejor morir; la qual determinacion sabida por Cortés andaba dando órden á Ixtlilxuchitl de como sitiar la ciudad." This shows how decisive the voice and vote of the council was, over and above the wishes and counsels of the so-called "King" (at that time Quauhtemotzin), even at the time of greatest danger, immediately before the last siege. Compare "*Art of War*" (p. 160) on the same subject.

(2). In same collection—*Fragmento* 1 (pp. 134 and 135), acknowledging the final decisions of the council at the time of the older "wrathy chief": "y assi en este tiempo

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It is therefore a TRIBAL COUNCIL, called in the Mexican language "place of speech" ("Tlatocan"), which constituted the highest power among the ancient Mexicans.[179] In all probability it consisted of as many members as there were kins in the tribe,[180]

comensó á edificar el templo á su dios Huitzilopochtli á imitacion de Salomon, por consejo de Tlacaelel y de todos sus grandes." Idem (p. 117): "y luego llamó á Tlacaelel y á sus consejeros, y diziendóles lo que pasaba, de comun acuerdo se determinó que se hiziesse guerra á los de Tepeaca."

(5). The proper words of the last "wrathy chief" (Montezuma II), as reported by Tezcocmoc ("*Crónica Mexicana*," Vol. IX of Kingsborough, Cap. XCVII, p. 173) are: "hijos y hermanos, seais muy bien venidos, descansad, que aunque es verdad yo soy rey y señor, yo solo no puede valeros, sino con todos los principales Mexicanos del sacro senado Mexicano descansad." This reply was given by the reputed "despot" to the delegates from Huexotzinco, who came to negotiate for peace and alliance against the Tlaxcaltans. In connection with this we meet with the remarkable passage already quoted, which, while proving the fact that the Mexican tribe could not, alone, even treat, for itself, with a hostile tribe, establishes incidentally, also, the supremacy of the Mexican council over its head-chief: "Habiendo venido ante Moctezuma todo el senado Mexicano, y consultado sobre ello, dijo Zihuacoatl resoluto: Señor, como será esto, si no lo saben vuestros consegeros de guerra los reyes de Aculhuacan Nezahualpilli, y el de Tecpanecas Tlaltecatzin? hagase entero cabildo y acuerdo: fue acordado asi."

(6). *Diego Durán* (Cap. XI, p. 103): "A estos quatro señores y ditados, despues de eletos principes los hacian del consejo real como presidentes y oydores del consejo supremo, sin parecer de los quales ninguna cosa se auia de hacer." (Cap. XII, p. 108): "El rey tomó parecer con los grandes de lo que auia de hacer. Tlacaelel, principe de los éxercitos, y los quatro del supremo consejo." (Cap. XIV, pp. 117 and 118) describes a called meeting of "los mas principales de toda la ciudad de México" with the two chiefs. (Cap. XVI, p. 132): "Tlacaelel respondió, que le parecia cosa muy acertada y justa, y todos los del consejo determinaron de que se hiciese." (P. 133): "Montequma aprobó el consejo y dixo: perdonad me, señores, que yo aunque soy rey no acertaré en todo: para eso tengo vuestro favor, para que me auiseis de lo que á la autoridad desta ciudad y nuestra conviniere." I further refer to Cap. XVIII (p. 156), and other places.

(5). *Acosta* (Lib. VII, cap. 11, p. 477): "De donde se puede entender, que entre estos el Rey no tenia absoluto mando é imperio, y que mas gouernaua a modo de Consul, o Dux, que de Rey, aunque despues con el poder crecio tambien el mando de los Reyes, hasta ser puro tyrannico, como se vera en los ultimos Reyes." This latter assertion has already been refuted in a previous note. (Lib. VI, cap. XXV, p. 441): "Todos estos quatro eran del supremo Consejo, sin cuyo parecer el Rey no hazia, ni podia hazer cosa de importancia."

(6). *Herrera* (Dec. III, lib. II, cap. XIX, p. 76): "Estos quatro Ditados, eran del Consejo supremo, sin cuyo parecer no podia hacer el Rei cosa de importancia."

(7). Indirect evidence of the supreme power of the council is found in the descriptions of the mode of consultation about war or peace, as given by *Mendieta* (Lib. II, cap. XXVI, p. 120), *Torquemada* (Lib. XIV, cap. II, p. 537). The latter even mentions old women along with the men, as participating in the debate on peace or war, and describes this debate as truly "Indian."

[179] *Molina* (II, p. 140): "*tlatocan*," "corte ó palacio de grandes señores." (Id., I, p. 29): "consejo real," "tlatocanecentlailiztli." *Torquemada* (Lib. XIV, cap. VI, p. 545): "si no era en la corte, á la qual llaman Tlatocan, que es lugar de Juzgado, ó Audiencia."

[180] We have already noticed that there were twenty "barrios" (kins) in the tribe. Now we are told by *Bernal Diez de Castillo* ("*Hist. verdadera*," etc., Vedia II, cap. XCV, p. 95): "y siempre á la contina estaban en su compañia veinte grandes señores y consejeros y capitanes, y se hizo é estar preso sin mostrar pasion en ello." (Cap. XCVII, p. 99): "*Ya* he dicho otra vez en el capitulo que de ello habla, de la manera que entraban á

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646 each calpulli sending a "speaker" ("Tlatoani") to represent it. Such positions could only be filled by men of acknowledged ability and reputation, who had acquired the distinction of *chiefs*, and hence their other title—"speaking chiefs" ("Tecuhtlatoca,") which was everywhere recognized, in aboriginal Mexico, as the highest office and charge.[181]

negociar y el acato que le tenian, y como siempre estaban en su compañia en aquel tiempo para despachar negocios veinte hombres ancianos, que eran jueces; y porque está ya referido, no lo tornó á referir." Furthermore, it is positively asserted by *Torquemada* (Lib. XIV, cap. VI, p. 544): "En lugar de Regidores, ponian en cáda Barrio, ó Parcialidad, un Tecuhtli, que se ocupaba en executar lo que nuestros Regidores executan, y hacen, y todos los Dias se hallaban en el Palacio, á ver lo que se les ordenaba, y mandaba." Consequently each calpulli or kin held one representative constantly at the official house of the tribe, and as there were twenty kins, we necessarily have here the twenty chiefs or "Judges," mentioned by Bernal Diez. The above statement of Torquemada is repeated (or copied?) by *Vetancurt* ("Teatro," Vol. I, p. 371).

Durán (Cap. XXVI, p. 215) mentions: "los grandes señores, que eran hasta doce." *Ixtlilxochitl* ("*Histoire des Chichimèques*," Cap. XXXIV, p. 236) says "there were fourteen great lords in the kingdom of Mexico." *Tezozomoc* (Cap. XXXVI, p. 57, Kingsb., Vol. IX) enumerates first twelve, then three more. This is the more singular after the detailed list giving *twenty* chiefs, which list I have already referred to in a previous note.

That the members of the tribal council were elected each one by his calpulli or kin follows from the statements of *Zurita* ("*Rapport*," etc., p. 60): "Les calpullis ont toujours un chef pris nécessairement dans la tribu. . . . L'élection se fait entre eux. . . . La charge de ces chefs n'est pas héréditaire. . ." (P. 61): "Ce chef est chargé du soin des terres du calpulli et d'en défendre la possession. . . . . ." (P. 62): "Il a soin de défendre les membres du calpulli, de parler pour eux devant la justice et les gouverneurs." Consequently this officer *represented the kin* towards the other kins of the same tribe, and this could only be done in the tribal council, as one of its members. How this election took place, the same authority tells us (p. 61), also that the office was for life, and that as capacity was the first condition, incapacity or unfaithfulness necessarily brought about removal.

[181] *Molina* (II, p. 14): "Tlatoani," "hablador, ó gran señor." The plural is "Tlatoca." *Pimentel* ("*Cuadro*," p. 174). There is ample evidence of the high offices which bore this title. Compare *Torquemada* (Lib. IV, cap. XVI, p. 298): "los Tlatoques (que son los Señores, y Poderosos.)" . . . . *Tezozomoc* uses the term "Zemanahuac-tlatoani." *Zurita* (p. 43): "Les souverains se nommaient et se nomment encore Tlatoques, mot qui vient du verbe tlatoa, qui veut dire parler." *Bernal Diez de Castillo* (Cap. XXXVIII, p. 32, Vedia, II). "*Real Ejecutoria*" (Col. de Doc., Vol. II, p. 73 and note 38). In this document the word is used in the *plural*: "y diciendo que ya habian estado allí los Tlatoanis Texcames." It would be useless to quote further authorities. I shall only state that, according to *Sr. D. Juan Gavarrete*, the term, as applied to "principales" or "old men," is still used among the Indians of Guatemala: "Los ancianos que á su edad agregan servicios publicos se llaman en algunos pueblos Tatoques; pero esta denominacion casi ha desaparecido." (*Letter to the writer* 14 *March*, 1879.)

The term "tecutlatoca" decomposes into "tecutli" and "tlatoca." It is found in *Molina* (II, p. 98), as "in Tecutlatoa." "tener audiencia, o entender en su oficio el presidente, oydor, alcalde, etc., etc." "Tecutlatolliztli." "judicatura, o el acto de exercitar su oficio el Juez." *Torquemada* (Lib. XI, cap. XXVI, p. 353): "y á los Jueces, Tecuhtlatoque, Señores, que goviernan el bien publico, y lo hablan." I have already noticed that the "Tequitlato" mentioned by *Sahagun* (Lib. VIII, cap. XXXVIII, p. 329) might be a misprint or misspelling for "tecutlatoca." The same author says (Id., Cap. XXV, p. 314): "Estos tales eran los mayores jueces, que ellos llamaban *tecutlatoque*." *Molina* (I, p. 108): "senador," "tecutlatoca."

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The place where this council assembled, was necessarily the official house of the tribe or "tecpan,"[162] and there they met at stated intervals, possibly twice every Mexican month of twenty days.[163] Such meetings were fully attended, and they could be called, besides, at any time.[164] There is evidence that, during

Bustamante ("Tezcoco," p. 191): "Habia tambien abogados y procuradores; á los primeros llamaban Tepantlátoani (el que habla por otro)."

[162] *Molina* (II, p. 26): "casa ò palacio real, ó de algun señor de salua." But of special importance is the following definition (I, p. 91): "Palacio real"—"tecpan, tlatocan, totecuacan." This shows that the tecpan was really the place where the council met." *Sahagun* (Lib. VIII. cap. XIV, pp. 302 and 303. Cap. XXV, p. 314). *Mendieta* (Lib. II, cap. XXVIII, p. 134). *Ixtlilxochitl* ("*Histoire des Chichimèques*," Cap. XXXVI, pp. 247-258). *Veytia* (III. cap. VII, p. 190). *Torquemada* ("*Monarquia*," Lib. XIV, cap. VI, p. 544), identifying "la Corte" with the "lugar de Juzgado, ó Audiencia." Further quotations are useless.

[163] This fact is implied by *Ixtlilxochitl* ("*Hist. des Chichimèques*," cap. XXXVIII, pp. 267, 268 and 269), when he affirms that, in notifying a hostile tribe of the intention to make war upon it, the notification was repeated thrice, at intervals of twenty days. *Veytia* ("*Historia antigua de Méjico*," Lib. III, cap. VII. p. 209), says that every twelve days "cada doce dias," the courts met to report to the "emperor." This is rather strange since (Id., p. 202, etc.), he says that these courts sat daily in what he calls the "palace." *Torquemada* (Lib. XI, cap. XXVI, p. 355): "De diez à diez Dias, y á mas tardar, de doce à doce, hacia junta el Rei de todos los jueces, asi de las Audiencias del Reino, como de los de sus Consejos." In this case he speaks of Tezcuco. *Mendieta* (Lib. II, cap. XXVIII, p. 125): "Y asi, á lo mas largo, los pleitos árduos, se concluian á la consulta de los ochenta dias, que llamaban nappoaltlatolli, demas que cada diez ó doce dias el señor con todos los jueces tenian acuerdo sobre los casos árduos y de mas calidad." *Zurita* ("*Rapport*, etc.," p. 101): "Tous les douze jours il y avait une assemblée générale des juges présidié par le prince. On y jugeait les affaires difficiles, celles de crimes qualifiés, et l'on examinait minutieusement tous les détails." *Clavigero* (Lib. VII, cap. XVI, p. 462), is very positive: "Each Mexican month, or within twenty days, a meeting of all the judges was held in presence of the King, to decide upon all cases not yet disposed of." He evidently bases the statement upon *Gomara* ("*Conquista*," etc., Vedia I, p. 442). "Consultan con los señores cada mes una vez todos los negocios," according to *Sr. Orozco y Berra* ("*Ojeada sobre Cronologia Mexicana*," Introduction to the "Crónica Mexicana," published under the supervision of Señor José M. Vigil, pp. 174 and 175). Gomara rests principally upon an unpublished series of documents, entitled "*Libro de Oro*," now in possession of my friend, Sr. Icazbalceta, which collection was formed by the Franciscans under the auspices of the unjustly abused Fray Juan de Zumárraga, between 1531 and 1547. The statement of Clavigero is, therefore, not to be rejected. The "*Codice Ramirez*" (p. 65) says: "los quales daban noticia al Rey cada cierto tiempo de todo lo que en su Reyno passaba y se habia hecho." It is, therefore, to say the least, likely, that the full council met once a month, but, as we have stated in order to be just towards all, it is equally possible that it may have met twice. The reference to "Judges" needs no explanation. It is self-evident that for judiciary matters, alone, such meetings of executive officers were superfluous. Matters of government came up also,—and this is decisive of the kind of officers that were members of the tribal council, since they alone could fill such positions. These meetings were, therefore, full meetings of the council, and nothing else.

[164] This is abundantly proven by what has at last been recognized by *Sr. Orozco y Berra* as well as by my friend, *Sr. Chavero* ("*Ojeada*," etc.) as specifically Mexican sources of aboriginal history. See for inst.: "*Codice Ramirez*" (pp. 53, 62, 66, 67, 69). "*Fragmento No.* 1" (pp. 124, 127, 133, etc.). "*Fragmento No.* 2" (pp. 137, 147, etc.).

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●646 the critical period of Cortés' first stay at Tenuchtitlan, the twenty "speakers" held daily meetings at the official house.[185]

In a society based upon kin we cannot expect a clear division of the powers of government, particularly as there were no written laws,[186] and custom alone ruled. The functions of the ancient Mexican council were not properly legislative, but they were rather *directive* and *judicial* combined. One of its first duties was, however, to maintain harmony among the kins.

The twenty independent social units composing the Mexican tribe, while bound together by the necessity of mutual aid to secure territorial independence, could not be expected always to live in peace with one another. Difficulties would necessarily arise between kin and kin, and to prevent such disputes from leading to actual warfare,[187] the council as a body of *official arbitrators* was needed.

618 According to the rules of kinship, the calpulli was not only
646 bound to avenge any wrongs suffered by one of its members, but
695 it was also responsible for the offences committed by the kinfolk towards any outsider.[188] Hence theft committed outside of the

Durán (cap. X, p. 83. XI. pp. 107, 108, 109, XIV, pp. 117, 123, XVI, p. 132, XVIII, p. 156), etc., etc. We forbear further quotations, since they would be too numerous. All go to prove that the council was frequently called together between the times of regular meeting. Quotations from *Tezozomoc* ("*Crónica Mexicana*") are useless, since they are very numerous and agree with those of Durán in the main. The fact of irregular meetings of the council having been called during the conquest, is further proven by *Sahagun* (Lib. XII, cap. III, p. 7), and *Torquemada* (Lib. IV, cap. XIV, p. 385).

[185] *Bernal Diaz de Castillo* ("*Historia verdadera*," Vedia, Vol. II, cap. XCV, p. 95): "y siempre á la cuntina estaban en su compañia veinte grande señores y consejeros y capitanes." (Cap. XCVII, p. 99): "Ya he dicho otra vez en el capitulo que de ello habla, de la manera que entraban á negociar y el acato que el tenian, y como siempre estaban en su compañia en aquel tiempo para despachar negocios veinte hombres ancianos, que eran jueces."

[212 533] [186] A number of paintings are mentioned as representing the customs and manners of the natives. Specimens of these are found in *Codex Mendoza*, Lam., 58 to 72 inclusive. But none of these contained, or could contain or express, anything like a *law*. Compare, on Mexican paintings in general and their value, "*On the Sources for aboriginal history of Spanish America*," in Vol. 27 of "*Proceedings of the American Association for the Advancement of Science*." Señor *Orozco y Berra* ("*Códice Mendozino,– Ensayo de descifracion geroglifica*," beginning in No. 3, of Vol. I, "*Anales del Museo Nacional de México*") has commenced a publication which can be expected to shed much light on such picture-leaves, and the true position which they held among the ancient Mexicans.

[187] Conflicts between the inhabitants of different "barrios" during festive turnouts and religious gatherings could not always be prevented.

[188] *Morgan* ("*Ancient Society*," pp. 76 and 77). *Davila-Padilla* ("*Historia de la Fundacion y Discurso de la Provincia de Santiago de México*," Lib. I, cap. XXVI, p. 83). The custom is general among other tribes and Mr. Morgan has adverted to it among the Maya of Yucatan and the Peruvians. It would be unnecessary display to produce further evidence: the remarkably clear statements of Mr. Morgan fully "cover the case."

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calpulli, and especially the slaying, wilful or accidental, of members of one kin by those of another, became the cause of a claim by the offended calpulli upon that of the offender.[189] This claim was submitted to the tribal council by the "speaker" of the complainant kinship. He produced his evidence, sometimes even in the shape of paintings, not so much to prove the facts as to sustain his claim. From the opposite side, the "speaker" defended the interests of his clan, and he also supported his pleadings with whatever testimony he might command.[190] The remaining "tlatoca" listened attentively to both parties, and when the argument was concluded, they deliberated among

[189] *H. H. Bancroft* ("*Native Races*," Vol. II, pp. 458 and 459) was the first, to my knowledge, to call attention (in note 59) to the difference of opinion among authors, in regard to the punishment of murderers. He refers to the unpublished parts of the work of Fray *Diego Durán*. We find in the *Codice Ramirez* ("*Tratado de los Ritos y Ceremonias y Dioses que en su Gentilidad usaban los Indios desta Nueva España*," Cap. I, p. 103): "El matar uno á otro era muy prohibido, y aunque no se pagaba con muerte, hazian al homicida esclavo perpétuo de la mujer ò parientes del muerto, para que les sirviesse y supliesse la falta del muerto, ganando el sustento de los hijos que dejaba." This is very interesting since it shows the autonomy of the kins. The murderer stood, towards the calpulli of the slain, in the same relation as, among northern Indians, a prisoner of war did towards the hostile tribe. Both could be adopted, and this condoned the deed. The offending kin lost one member; the offended kin obtained one in return for the one that had been killed. However, this was only in exceptional cases: the rule, as established by the majority of authors was that life alone could atone for life. In the same manner, and under the same head, the contradictory reports must be placed, about the punishment of theft, which have already been noticed. There are consequently, for each crime or kind of crime, two classes; one, of such as were committed within the kin, and the other, of such as were committed without.

[190] *Sahagun* (Lib. VIII, cap. XV, p. 304): "Otra sala del palacio se llamaba teccali, ó teccalco. En este lugar residian los senadores y los ancianos para oir pleitos y peticiones, que les ofrecian la gente popular, y los jueces procuraban de hacer su oficio con mucha prudencia y sagacidad, y presto los despachaban; porque primeramente demandaban la pintura en que estaban escritas ó pintadas las causas, como hacienda, casas, ó maizales; y despues cuando ya se queria acabar el pleito, buscaban los senadores los testigos." I quote this passage, although it applies particularly to the judicial functions of the council, because the mode of proceedings is therein illustrated. *Veytia* (Lib. III, cap. VII, p. 207), speaking of Tezcuco, is very positive: "Habia tambien aboga os y procuradores; á los primeros llamaban tepantlatoani, que quiere decir *el que habla por otro*. . . . ." I need not recall here that "tlatoani" (plural "tlatoca") was the title of the members of the council, and that consequently these "attorneys" belonged thereto. The same statement (derived from Veytia also) is found in *Bustamante* ("*Tezcoco*," Parte II, cap. VII, p. 191). These two works contain (in the chapters indicated) the most detailed information as to the proceedings. Still, there is evident confusion in the minds of these authors in general: they fail to discriminate between arbitration and tribal jurisdiction. The bulk of the other authorities commit the same mistake. Compare *Zurita* ("Rapport," pp. 102-105), whom *Mendieta* (Lib. II, cap XXVIII, p. 128) has almost verbally copied. *Torquemada* (Lib, XI, cap. XXVI, pp. 254 and 255).

The absolute lack of division of powers which characterizes so well ancient Mexican society is well established by *Veytia* (III, cap. VII, p. 208), speaking of what he

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618 646 695 themselves until they finally agreed upon an award.[191] The same thing occurred when two calpulli claimed possession or enjoyment of the same piece of land.[192] No appeal was possible to any higher authority; but every eighty days an extraordinary gathering took place at the "tecpan," consisting of the council and the executive chieftains, the war-captains of the four great quarters, the "elder brothers" of the kins, and the leading medicine-men, and any cause pending before the "tlatocan" might be deferred until the next of these general meetings; and even in case a decision had been rendered, a reconsideration thereof, on that occasion, was sometimes agreed upon.[193]

calls "supremo consejo:" "Tratábanse en este consejo todo género de negocios de estado, justicia, guerra, hacienda etc., etc."

[191] This picture is mainly based upon *Veytia* ("*Historia antigua*," III. cap. VII), and *Bustamente* ("*Tezcoco*," pp. 191 and 192). The statement in the latter is only worthy of credit because copied from the former.

[192] *Veytia* (Lib. III, cap. VII, p. 207). *Clavigero* (Lib. VII. cap. XVI, p. 483). For a copy of the paintings reproduced, see *A. de Humboldt* ("*Vues des Cordillères*," etc., Vol. I, plate V. Ed. 8vo).

[643 693] [193] I affirm this in the face of all the authorities on the subject, who, without exception, assert that there was an appeal to the "king." The *Codex Mendoza* (plate LXX, "Declaracion de la figurado") is even very positive: "Y si era negocio de calidad del consejo, havia apelacion por via de agravio ante Montezuma, en donde habia conclusion de la causa." My opinion is based on what precedes about the authority of the council, on what I expect to prove in relation to the true nature of the duties of the head-chiefs and which will hereafter follow, and on the contradictions among the authors themselves. Thus the "*Codice Ramirez*" (p. 58) places the supreme power into the hands of the councils "sin parescer de los quales ninguna cosa se habia de hacer," and (pp. 64 and 65) it does not mention any power of appeal whatever. *Zurita* (pp. 100 and 101): "Les appels étaient portés devant douze autres juges supérieurs qui prononçaient d'apres l'avis du souverain." It is queer to notice, how the writers of the texcucan school, appear eager to place the power of final decree or the decision of final appeal in a "high tribunal," or rather simply a supreme council of their tribe. *Torquemada* (Lib. II, cap. XXXXI, p. 146) mentions a supreme council, "á los quales avian de venir todas las cosas graves, y criminales, para que ellos, con el Rei, las determinassen." (Lib. XI, cap. XXVI, p. 354): "Para estos dos Jueces Supremos se apelaban las causas graves, los quales las admitian, pero no determinaban, ni sentenciaban, sin parecer, y acuerdo de el Rei." *Veytia* (Lib. III, cap. VII, p. 199) speaks of the establishment of "tribunals" by "Fasting wolf" ("Nezahualcoyotl"—properly "fasting coyote"), and adds: "pero concediendo á las partes el recurso de apelacion para el gran tribunal de justicia que erigió en su corte de Tezcuco." This so-called tribunal was, as we have shown at the close of note 190, the "Council of the tribe." *Mendieta* (Lib. II, cap. XXVIII, p. 133) almost copies Zurita. *Sahagun* ("*Historia general*," etc., Lib. VIII, cap. XXV, p. 314): "y los casos muy dificultuosos y graves, llevábanlos al señor para que los sentenciase, juntamente con trece principales muy calificados, que con el andaban, y residian." "Estos tales eran los mayores jueces, que ellos llamaban tecutlatoque. . . ." In this case the learned father speaks of tribal jurisdiction and not of arbitration. Still it is plain that he admits the *council's decrees as final*. The chief, "señor," appears only as member of this council, a position of which we shall hereafter speak. Without making any further quotations from similar authorities, I beg to revert to those which place, *by the side of the so-called "King,"* an independent "supreme Judge"—the "Cihuacohuatl," whose tribunal

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Aside from these arbitrative functions, other duties occupied the council's time at its full meetings. If any calpulli felt wronged in the distribution of the incoming tribute, it might through its delegate or "speaker,"[194] complain about the tribal officers answerable for it to the "tlatocan." The investiture of chiefs and officers of the kins belonged to the highest authority of the tribe

is positively mentioned as the final court of appeals. That this "Cihuacohuatl" occupied a high position, was already noticed by *Cortés* ("*Carta tercera*," Vedia I, p. 89), and subsequently, when he became still more prominent, by *Tezozomoc*. But *Torquemada* has been to my knowledge, the first one to establish his position as independent supreme Judge. It is not devoid of interest to notice what he writes about this office. ("*Monarchia Indiana*," Lib. XI, cap. XXV, p. 352): "Despues del Rei, havia un Presidente, y Juez maior, cuio nombre, por raçon de el oficio, era Cihuacohuatl . . . . . De este Presidente no se apelaba para el Rei, ni para otro Juez alguno, ni podia tener Teniente, ni substituto, sino que por su misma persona havia de determinar, y decidir todos los negocios de su juzgado, y audiencia." He further adds; "lo qual no corria en este dicho Juez Cihuacohuatl; porque de su ultima determinacion no habia recurso á otro." *Fray Augustin de Velascurt* ("*Teatro Mexicano*," Vol. I, Parte 2a, Trat. 2°, cap. I, p. 309): "Despues del Rey . . . habia un virey que llamaban Cihuacohuatl, que el rey proveia y era su segunda persona en el gobierno, de cuya sentencia no habia apelacion á otro. Tan absoluta era la autoridad que le daba, que reservando el rey en si la autoridad real, era en la judicatura igual." These statements distinctly hint at the existence of an appellate judicial body, of which this Cihuacohuatl was foreman, and over which the so-called "King" had no control. *Clavigero* (Lib. VII, cap. XVI, p. 481) even states that while there was no appeal from the Cihuacohuatl whatever, there was one of these officers "at the court and the principal cities of the kingdom." These views in regard to the "Cihuacohuatl" have been plainly accepted by *W. H. Prescott* ("*Conquest of Mexico*," Vol. I, p. 29): "There was no appeal from his sentence to any other tribunal, not even to the king," and *H. H. Bancroft* ("*Native Races*," Vol. II, cap. XIV, pp. 434 and 435).

The confusion is apparent, for we have here three different views of the same case. One is that the "head-chief" was the highest appellate authority, the other that the head-chief, *with the council*, formed the court of last resort, and the third that a "supreme Judge" was appointed by the so-called "King" to render final decisions. Now we have already seen that the supreme authority was the council or "tlatocan," consequently what is commonly called the "king" could not be the last resort in judiciary matters, still less could he appoint an officer for that purpose. Our proposition appears, therefore, sustained, that there was no appeal from the decisions of the council to any superior authority whatever.

But, finally, it was possible to reconsider, so to say, the cases decided by the council, and for such the so-called "*Nauhpohualtlatolli*" or "*eighty days-talk*" was instituted. Authorities are almost unanimous on this point, although it is commonly ascribed to Tezcuco alone, and I refrain from quoting them in detail, referring but to *Bancroft* ("*Native Races*," Vol. II, p. 439, etc.).

[194] This becomes evident from the relative positions of kin and tribe. As we shall hereafter see, the officers gathering and those receiving the tribute were tribal officers, consequently subject to the council. It was to the council, therefore, that any complaint had to be brought against them, and this could be done only through the "speaker" of a particular kin. That the tribute was distributed partly among the "calpulli" is indicated by *Durán* (Cap. IX, p. 79): "Tambien dieron á sus barrios para el culto de sus dioses, á cada barrio una suerte, etc.," and *Tezozomoc* ("*Crónica Mexicana*," Cap. X, p. 18): "y aunque venian á darlo á Ytzcoatl, era para todos los Mexicanos en comun."

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646 also.[195] This "right to invest officers and chiefs of the kins" is
618 commonly distorted into a right to appoint or at least to confirm an appointment or election,[196] whereas it was merely an act of courtesy ultimately converted into an established custom. But paramount in importance was the preservation of independence towards the outside world, and hence all relations with other tribes, and all final decisions concerning alliances, declarations of war and treaties of peace were, as we have elsewhere stated, in the hands of the council.[197] No raid or foray could be started unless by its direction; and delegates from foreign or hostile tribes, though not always admitted into the presence of the "tlatocan," always had to wait until that body agreed upon and formulated an answer.[198]

[195] *Torquemada* (Lib. XI, cap. XXIX, p. 361): . . "elegian Dia de buen signo: en el qual llamaban á todos los señores, y principales de la Republica. y á todos los Parientes. y Amigos: los quales acompañaban al mancebo, etc., etc." (Cap. XXX, pp. 364, 365). This author copies from *Mendieta* (Lib. II. cap. XXXVIII and XXXIX, pp. 156 to 161) who partly gathers from *Zurita* ("*Rapport*," pp. 25 to 29). *Gomara* ("*Conquista*," etc., Vedia I, p. 435): "Los señores, los amigos y parientes que convidados estaban, lo subian por las gradas al altar. . . . . El dia que habia de salir venian todos los que primero le honraron, y luego por la mañana le lavaban y limpiaban muy bien, y le tornaban al templo de Camaxtle con mucha música, danzas y regocijo. Subianle á cerca del altar, etc., etc. . . ." Although these quotations apply mostly to Tlaxcala, the dignity of "Tecuhtli" was common among all the sedentary tribes, and the customs of investiture were also about identical. Compare, "*Des Cérémonies observées autrefois par les Indiens lorsqu'ils faisaient un tecle*" ("*Pièces relatives á la conquête du Mexique*," Ternaux-Compans, pp. 233 and 234.

[196] *Zurita* ("*Rapport*," etc., p. 47): "parceque les souverains suprêmes ne les élevaient á ces dignités qu'en récompense des exploits qu'ils avaient faits á la guerre," etc. Besides, there are numerous evidences that the older authors all believed the officers to be nominated by the highest tribal authority. The distinction was never made as between officers of the king and officers of the tribe. I have formerly discussed the point.

[197] "*Art of War*" (p. 129). In addition to the authorities there quoted, and those alluded to in note 178 of the present essay, I beg to refer with great pleasure to a paper written by a learned Peruvian, *Sr. José Fernandez Nodal* ("*Législation civile comparée des Mexicains sous les empereurs Aztecs et des Péruviens á l'époque des Incas*"). This memoir was presented at the "Congrès international des Américanistes," at Luxembourg in 1877, but only a short summary of it was published in the "*Compte Rendu*" (Vol. I, pp. 225-237). Sr. Nodal states that among the Mexicans' monarchy (?) was elective and controlled by a Council. "Controlée par un conseil suprême." It is to be sincerely regretted that this interesting paper was thus neglected.

[198] Evidences in regard to this latter detail are numerous. Compare *Tezozomoc* ("*Crónica*" Kingsborough, Vol. IX, cap. XCVII, p. 173). *Durán* (Cap. XV. p. 137): "El rey Montezuma le respondió con rostro muy alegre y amoroso, que se lo agradecia el amor que les tenian y qual era muy contento de conservar la paz y de tener con ellos perpetua amistad; pero para questas treguas estuviesen con mas seguridad y vinculo, qual lo queria communicar con sus grandes señores y principales y qual le daria su respuesta. El rey de Tezcuco fué aposentado á descansar en un aposento de la casa real, con mucha onra, y luego el rey mandó venir á todos los de su consejo y á los demas señores y principales, y estando presentes, luego los propuso la plática

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Such were, in a general way, the higher functions of the Mexican council, and they appear, if we are permitted to characterize them to be only arbitrative and directive. Yet the members of that council had other duties of a purely judicial nature. 646 692

No conflict occurred between its jurisdiction and that of the kins. It was neither superior nor inferior to it, but wholly independent, even without any connection with it. Hence it extended:

1. Over the unattached class, the hangers-on to the tribe, or outcasts from the bond of kinship.[19]

2. Over all the people composing the tribe, irrespective of kinship, at places specially placed under tribal care, or reserved for tribal business, and therefore *neutral ground* for the members of all the calpulli. These neutral localities were the official buildings, the central or tribal "house of god," and especially the great "tianquiz" or market places.

The outcasts were, happily for the preservation of tribal society, not very numerous. Still, from their very origin, they were the most disorderly part of the people and crimes were certainly more common among them than among those upon whose passions the tie of kinship and the obligations resulting therefrom acted like a wholesome check. It required a judiciary power constantly on hand to repress and punish the misdemeanors committed among this class.

The "tecpan," the great central "teocalli" and the square on which it stood, and the market, were regular meeting-places of 368 621 693

siguiente, etc. . . . . ." (Cap. LX. p. 473): "Montezuma, apiadándose dellos, los mandó aposentar, y llamando su consejo, propusoles la demanda que traian." *Codice Ramirez* (p. 61): "El Rey Itzcohuatl mostró gran contento con la embajada respondiendo con muy gratas palabras; mandó aposentar á los mensajeros, y honrarlos, y tratar como á su propia persona, diziéndoles que descansassen, que el dia siguiente les daria la respuesta." See also *Torquemada* (Lib. XIV, cap I, p. 435): "Acabada la Embaxada. si el Embaxador no era de mui gran Principe, no se le respondia cosa, hasta otro Dia; salian con él algunos, acompañandole á la Calpixca, adonde se proveia de lo necesario. y en el entretanto el Señor comunicaba con los de su Consejo lo que se havia de responder, lo qual hacia uno de ellos, y no él." But the most complete picture of such delegations and the manner in which they were received is found in *Velancurt* ("*Teatro Mexicano*," Parte IIª, Trat. IIa, cap. II. pp. 378 and 379). It is too long to be copied. I merely allude to the words: "Acabada la embajada, le volvian á la posada mientras se juntaban para la respuesta." It has been adopted by *Clavigero* (Lib. VII, cap. XI, pp. 470 and 471).

[19] The unattached class was under protection of no kin; therefore, if such a "bonded man" made his escape to the Tecpan, he became liberated from his bond. Already mentioned by *Gomara* ("*Conquista*," Vedia, I. p. 443), and subsequently confirmed by others.

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646 We thus have found in the "tlatocan" or council, the high directive authority of the tribe, the arbitrator between its organic component parts, and the chief judicial power within the tribe. It is easy to recognize in it a counterpart to the council of the kin.

643 Like the kin also which, subordinate to its councils decrees had two superior officers for the execution thereof, the tribe had *two chief executive functionaries.*

Even at a comparatively remote period in the history of the ancient Mexicans we may discern two offices, not formally created, but naturally growing from what was left of tribal organization, which mark the beginning of a chief tribal executive. One of these is the "wise old man" conducting the "talk;"[204] the other is the "big warrior" who led the braves to battle.[205] The former subsequently became "foreman" in the council, the latter "war-chief" to the tribe. There are indications to the effect that, for a while, both offices were held by one person. From the time the confederacy had been formed, however, we recognize two chief executive agents,[206] one of which is called the "Snake-woman"

Vedia I): "Los Jueces eran doce . . ." with a higher court of two; therefore, in all fourteen, equal to the thirteen of Sahagun with the "Señor" added. *Zurita* ("*Rapport*," etc., pp. 100 and 105): "Les douze juges d'appel . . ." *Mendieta* (Lib. II, cap. XXVIII, p. 135) copies Zurita almost literally. By the side of this early Franciscan group of writers, there is the picture drawn by the two great Franciscans, Torquemada and Vetancurt, representing a supreme Judge, "Cihuacohuatl," and four tribunals beneath him in authority. This picture is evidently based on such paintings as the "*Codex Mendoza*" (plates LXIX and LXX). In my opinion the thirteen Judges of Sahagun should be connected with the judicial offices mentioned by *Cortés* as sitting at the "tecpan" (see note 202), rather than regarded as constituting a court of appeals.

Finally, I refer to *Ixtlilxochitl* ("*Hist. des Chichimques.*" Cap. XXXVI and XXXVII), *Veytia* (Lib. III, cap. VII, pp. 199 and 200) and others, in regard to Texcuco. While they distinctly prove the subdivision, for judicial work, of the supreme council into two sections, they also show in a very marked manner, the confusion and contradiction arising from a misconception of the real case.

[204] Perhaps the earliest mention of such a "wise old man," foremost in the "talk," among the Mexicans proper, is that of the tale of the crafty old men, Huitziton and Tecpatzin, who are said to have persuaded the Mexicans to emigrate from Aztlan, as related by *Torquemada*, who is often copied (Lib. II, cap I, p. 78). In early times they are also called Captains and leaders, and must not be confounded with the "medicine-men" (Id., p. 78). Subsequently these latter sometimes appear as leading speakers. Much information can be gathered on this point by carefully and critically reading *Veytia* (Lib. II, cap. XII, XIII, XV and XVIII), *Codice Ramirez* (pp. 25 to 38), *Durán* (Cap. IV, V and VI), *Tezozomoc* (Cap. I, II and III).

[205] *Torquemada* (Lib. II, cap. II, pp. 80 and 81). *Vetancurt* ("*Teatro Mexicano*," Parte IIa, Trat. I, cap. IX, pp. 260, 261 and 262). They merely show that the office of "big warrior," existed.

[206] This apportionment of the duties of chief-executive among two heads is found in many tribes of Mexico and Central America. Thus in Tlaxcallan, Maxiscatzin and Xicotencatl, the two head-chiefs, were alike and equal in power. (*Cortés*, "*Carta Segunda*" (pp. 18, 46). *Bernal Diez de Castillo* (Cap. LXVII, p. 80): "los dos mas prin-

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